

INDUSTRIAL RECONSTRUCTION IN GOVERNMENT DEPARTMENTS

A LECTURE DELIVERED BEFORE
THE INDUSTRIAL RECONSTRUCTION COUNCIL AT SADDLERS'
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BY

HIS HONOUR
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IN

GOVERNMENT DEPARTMENTS

MR. JUSTICE BAILHACHE recently when on Assizes presided at a meeting of the Union Brotherhood at Union Chapel, Manchester, and gave an address on Christianity and Reconstruction. "The first principle of reconstruction," he said, "must be justice for all. Justice was the foundation upon which the Throne of God itself rested, and justice was the sure foundation upon which any reconstructed society could hope permanently to rest. When they had arrived at that there was another principle that could come into play and that was love. Love could not have any real play in the world unless there was first justice."

For a quarter of a century it has been my duty humbly and reverently to study the sayings of His Majesty's Judges of the High Court and to apply their wisdom to the best of my ability to the affairs of the poor people to whose legal wants it is my duty to minister. It is with a spirit of thankfulness, therefore, that I find myself able to quote the *dicta* of Mr. Justice Bailhache on the true principles of Reconstruction.

To my mind, it is not without significance of the modern spirit that a Judge of the High Court on Assize—the direct representative of His Majesty—should be found presiding in a chapel and preaching on Reconstruction. It proves visibly that the world does progress even if the pace is imperceptible to its temporary inhabitants. Some future historian may compare this picture with the incident of Chief Justice North in the days of Charles II., who offended the Western Circuit

by staying at the house of a Presbyterian who read prayers after supper. This event was celebrated at Exeter by the junior Bar merrily threatening the Judge and his retinue with the presentation of indictments to the Grand Jury charging them with attending a conventicle.

Note carefully not only the inspiring moral call of the learned Judge's message, but the business common-sense of it. He has perhaps the widest knowledge of any living lawyer of the commercial life of the country. English commerce has been built up on justice, and he warns us that Reconstruction must be based on the same sure foundation. Justice, we are told, is a condition precedent to Love. By Love I take it that the learned Judge had in his mind the letter St. Paul wrote to the Corinthians in praise of that essential quality of right action which we have translated by the word Charity.

The appeal that the Whitley Report and the idea of Industrial Councils have made to the conscience of the country springs from the fact that the scheme is based upon an intention to do industrial justice as between man and man. That is the principle of the machine. If in an elaboration of its details we lose sight of our original purpose the machine will be useless.

In considering how far the principle of Whitleyism, as we may call it for short, is possible of application in Government Departments it is wise to be under no illusion. Justice has never been an attribute of Bureaucracy, and love or charity has never inspired Bureaucrats to such good works as they are capable of. St. Paul was under no illusions about the Corinthians, and if he were with us to-day would probably be writing epistles to Whitehall. Whitehall would very possibly treat them as the Corinthians treated them—for we have no evidence that St. Paul's epistles were ever replied to. As a modern missionary, Mr. Justice Bailhache would do an even greater work than he has done already if, instead of preaching to the converted in the faithful city of Manchester, he went down among the heathen to spread the unknown Gospel of Justice and Charity in the palaces of London, S.W. 1.

In addressing a meeting of friends there is no need to describe the Whitley Report or to advocate its recommenda-

tion. We are agreed that in all industries it is essential to peace and goodwill that there should be business councils of the representatives of employers and employed constantly meeting for the free discussion and regulation of their mutual duties and rights. I ask forgiveness from a modern audience for placing duties before rights. An early upbringing under the Church Catechism, tempered by the teachings of Charles Kingsley and John Ruskin, leaves one with so many old-world prejudices. Nevertheless I still believe that if Everyman would discuss his duties first and, like the Chancery Court, adjourn the question of his rights for further consideration, this in itself would do much to promote industrial peace.

In considering the possibility of Industrial Reconstruction in Government Departments the subject naturally places itself under two opposing heads. There is the Government view of what I have called Whitleyism and the Departmental view. The latter is for our purposes perhaps the more important. Governments are transient; they are here to-day and gone to-morrow. Departments are, as they openly boast, permanent. A Government may promise that Whitleyism shall be a national industrial religion, but it is not possible, apparently, under present conditions for a Government to compel the inhabitants of its Departments to worship at altars to which they conscientiously object. Before we can expect the industries of the country to adopt Whitleyism the Government and its Departments must practise what they preach, or at all events some good reason must be given to the man in the street why the Industrial Councils are good for every kind of employer except the Government.

At present this Whitley Report, to which we, rightly I think, attach enormous importance, is from a national point of view little more than a scrap of paper. In the late days of shortage that, perhaps, was excusable, but to-day it is not enough. From the earliest times Governments, Departments and officials have attached sacred importance to the parchments and papers of treaties, charters, decrees and the literary publications of Bureaucracy. To the departmental mind the clever skeleton scheme drafted on official paper has a real existence, whereas in truth and in fact it is mere dry bones lying in the valley of officialdom waiting for someone to come

along and clothe it with real flesh and sinews and breathe into it the spirit of life. If you go into the British Museum you will find yards—nay, rods, poles and perches—of statutes, blue books, commissions, reports and calf-bound volumes of official documents issued by our Departments during the last century. Pull down a few of these haphazard and ask yourself how far these printed records of official labour have really affected the lives and happiness of the men, women and children of our country. You will find that they are but Dead Sea apples, containing no material whatever for human sustenance. And yet in their day these, too, had the outward appearance of that rare and refreshing fruit which our rulers and governors are never tired of offering us in oratorical perorations. Let us therefore pause on the threshold in this matter of our Whitley Report and consider seriously whether it is a golden apple from the Garden of Hesperides or merely a replica of an old-fashioned official seedling from the City of the Plain.

“ Two things are necessary to the realisation of the progress we seek, the declaration of a principle and its incarnation in action.” In these words Joseph Mazzini—who like all inspired dreamers was politically what the Americans call a “ live business proposition ”—laid down tersely and accurately the whole gospel of reform. You have first to think out and state your principle. This is the business of the Government, and we may take it that in the matter of Industrial Councils this was done when the Whitley Report was authoritatively published. The second practical step is dependent on the Bureaucracy. Incarnation in action of the principles of Whitleyism must depend on the Departments. We shall find that the consideration of this subject leads us to an inquiry into the relationship of Governments and Bureaucracy, and we shall be left wondering whether the able officials who rule our destinies are really our Civil Servants or not rather our somewhat Uncivil Masters.

The Whitley Report is dated March 8th, 1917, and must have been in the hands of the Government on that day. In June of the same year the Industrial Unrest Commissions were sent into the country. At that date the Government had not decided—to use a phrase borrowed from the Cinema

Industry—to release the Whitley Report. Later on the Commissioners were instructed to make it public, and they were able to discuss it with the men and women who came forward to offer their advice and assistance to the various Commissions. I was at that time Chairman of the Commission for the north-west area of the country and was greatly interested to hear at first hand the views of working men and women on Whitleyism.

In the North of England the idea was no new one, but the suggestion that it was to receive Government sanction and practical assistance was well received. In discussing the matter with working men we found that they were far more interested in actual Shop and Work Committees than in District and Central Councils. What really interested them were the actual bodies in which they might hope to be able to discuss their daily affairs rather than those larger councils which were to deal with matters of general industrial policy. It was undoubtedly the immediate practical aspect of Whitleyism that attracted their minds.

On July 17th, 1917, the reports of the eight Industrial Commissions were summarised by Mr. Barnes, who reported that they “bear a striking testimony to the value of the proposals” in the Whitley Report and that “broadly speaking the principles laid down appear to have met with general approval.”

At this date, therefore, not only had the Government approved and published the Whitley Report, but it had directed its Commissioners to place it before all sections of employers and employed throughout the kingdom and had found that there was a popular sympathetic approval of its principles.

At the end of 1917 the War Cabinet issued a general report of its work and the condition of the country. Again Whitleyism was referred to as an important plank in the Government platform. The Government officially announced that in their view “an important step towards the creation of better conditions in the industrial world has been taken in the adoption by the Government of the Report of the Whitley Committee which recommended the development of machinery

in the shape of industrial councils representative of employers and employed throughout the country whereby it should be possible to solve the difficulties which will arise by the process of peaceful conference and negotiations in place of the methods of industrial war." Nothing could be better said than this. No body of men were in a better position to enunciate this truth than the War Cabinet. Either you must have peaceful conference and co-operation or contest and discord. In a word, the industrial world must choose between Whitleyism and warfare.

To bring the matter up to date on December 6th, 1918, the Prime Minister publicly announced his continued faith in the principles of the Whitley Report. "I lay stress," he said, "on the policy of the Whitley Commission. I want the workman to contribute of his sagacity and practical experience to the smooth and successful working of the concern in which he and his fellows spend their lives." I take a national pride in calling attention to the human insight of the phraseology. Why does the Prime Minister find Whitleyism to be a good thing? Because it enables the workman in an industry to play a human part and make an active use of such gifts of sagacity as he has been endowed with and give direct evidence of the true facts of an industry of which he alone has actual experience.

We seem, therefore, to-day to have reached Joseph Mazzini's first stage of progress. Parliament, the War Cabinet, and the Prime Minister have all stated their agreement in principle with the Whitley Report. The next and far more difficult step is what Mazzini calls "Incarnation in Action." How is Whitleyism to be made a living force? From the first it seemed to me that if the Government really believed in the practical value of Whitleyism the best method of recommending it to the industrial world was by giving object-lessons of its working in Government Departments.

Where is there a finer field for experiment in the actual working of the principles of the Whitley Report than in the industries controlled by Government—the Post Office, the Revenue Departments, the Legal Offices, and the other Civil Services. How easily, too, could the Government compel the practice of its principles on the Tramways and

Gasworks in the hands of Corporations, on bodies such as the Port of London Authority, and on those larger industries of the Railways, Mines and Shipping which are already controlled at various points by the Board of Trade and other public Departments!

When the Government seek by eloquent phrases to persuade sceptical employers to embrace this new industrial religion, can we wonder in view of their own inaction that it meets with so small a response? Well may employers and workmen look askance at Whitleyism as a business proposition and, like Ophelia, reply to the Government's kindly and fraternal advice:

“ But, good my brother,
Do not, as some ungracious pastors do,
Show me the steep and thorny way to heaven,
Whiles, like a puff'd and reckless libertine,
Himself the primrose path of dalliance treads,
And recks not his own rede.”

Assured as I am of the honesty of intention of the Prime Minister and the Government in preaching the Gospel of Whitleyism, I ask myself what is it that hinders its introduction into the industries controlled by the Government? I find the answer in the word Bureaucracy. Before Whitleyism can enter into Government Departments you have to renew a right spirit into the Bureaucracy which at present governs the Government and vetoes its decrees.

I have myself for a quarter of a century been a workman in a concern which has business connections with various Public Departments, but, to use Mr. Lloyd George's words, I have never been asked by any of them to “contribute of my sagacity and practical experience to the smooth and successful working of the concern in which I and my fellows spend our lives.” It is true that I have spent a good deal of time—and may I say sagacity?—in lecturing and writing in books and magazines and newspapers on the daily problems of my official life. Jewels that would have been freely spread before the denizens of Whitehall find a ready market in the wider business world. No doubt in the course of ages any ideas of special wisdom that I have expressed will filter through to the holy places where these matters are incarnated in

action and the country will be in time enriched by them. But had there been a Whitley Council on which in my own industry I could have found a seat, I have often thought I might have assisted towards some practical mechanical reforms in the somewhat old-fashioned machine which it is my lot to attend.

Whitleyism is seen to be good by our rulers and welcomed by the workers and the more enlightened employers. The reactionaries who at present are not convinced of its virtues are the overlookers, foremen, cashiers and officials who in the industries of the State are summed up in the word Bureaucracy. That they will not willingly accept this innovation and stand between the workers and its acceptance is not to be wondered at. They are the established clergy of an official church and naturally regard Whitleyism as a horrid form of dissent. Clarendon said with some injustice that "the clergymen understand the least and take the worst measure of human affairs of all mankind that can write and read." If he had said it of Bureaucracy it were more just. What I take it he really meant was that mere writing and reading was not in itself a sufficient education in dealing with human affairs, and that what was also wanted was sympathy, wisdom, and practical experience. The education of our Bureaucrats, their extensive powers, aloofness, and undue centralisation render them peculiarly immune from the contagion of new ideas. To one who has spent his life in a business centre it has been pathetic to watch the gradual struggle of the telephone, the typewriter, the card index, and other labour-saving machinery to obtain a footing in Government offices. That the old order will pass away and give place to the new is no doubt certain, but that Bureaucracy has at the moment great power to hinder and delay movements such as the formation of Industrial Councils is equally beyond doubt.

To illustrate by a few facts the difficulties Bureaucracy can put in the way of Whitleyism, I will set down shortly what, as far as we are permitted to know it, is happening in regard to the Post Office. This is the largest industry directly controlled by Government, and obviously calls for the adoption of the Whitley Report. The Government, who are normally the employers, approve of this principle and the workmen desire it. Why do not their joint wishes prevail?

On October 3rd, 1918, the twenty-seventh Annual Conference of the Postmen's Federation was held. Over a year had passed since the Whitley Report was published and approved, but although the employees in the industry of the Post Office desired a Whitley Council, they were unable to obtain one. Many other branches of the Civil Service seem to have proposed the same thing. The rank and file of the Civil Service are evidently strong believers in Whitleyism and desire its adoption. They base their claims to be included in the benefits of the scheme on the following grounds:—

- (a) That the principle of the Whitley Committee is sound, and having been accepted by the Government for outside employers there is a moral obligation on the Government to accept it for its own services.
- (b) That the principle is in accordance with the declaration of the Civil Service societies for the past twenty-five years.
- (c) That on the face of it the Government services are better adapted for a great experiment of this kind than outside industries.

The postmen prepared a scheme for their own industry and placed it before the Postmaster-General, who was urged to put it in operation.

The matter is said to have gone before the Treasury, who decided that the Whitley Report was not applicable to the Civil Service. If such a decision was given it would be interesting to know the grounds of it. The Whitley Committee, however, made a second Report, and expressed the opinion that the term "employers and workmen" included State and municipal authorities and persons employed by them. This recommendation was followed by the War Cabinet, who decided that the principle of the Whitley Report should be applied to Government establishments where the conditions are sufficiently analogous to those existing in outside interests. An Inter-Departmental Committee has now been appointed to consider this matter, but no representatives of workpeople sit upon the Committee, an omission which seems in antagonism to the first principle of Whitleyism.

As a well-informed writer in the *New Statesman* points out, December 21st, 1918: "The Crown may be the technical

employer of Civil Servants and the Treasury may decline to accept the position, but in the mind of the Civil Servant the Treasury figures as the employer. The Civil Service Commission is regarded as a formality and the Departmental Chiefs as local managers, while Parliament is treated as the employer's employer to be approached only in a crisis. The Treasury sanctions appointments, refuses increases of salary, conducts the case against war bonus claims, and generally performs the functions of the employer who stands out against 'rises' until forced into consent by an Arbitration Board."

As the founders of the American Constitution observed, "power over a man's subsistence amounts to a power over his will," and the Treasury has for long exercised this power anonymously, secretly, and without appeal over our Civil Servants. It is this power rather than any statutory powers derived from Parliament that gives the Treasury unlimited authority in all departmental affairs. Until this condition of things is altered, the success of Whitleyism in departmental industries seems to depend on persuading the commanding personalities of the Treasury, whoever they may be, to a belief in our new industrial religion. This to my mind is of first importance, for as long as Whitleyism is taboo in Whitehall there will be every excuse for the great corporations to refuse to look at it, and the larger industries will claim with much reason that a system that is useless to Government industries is equally valueless to themselves.

No one doubts, of course, the enormous abilities and great services to humanity of the heads of the Treasury and our leading Civil Servants, but whether the system under which they exercise their extraordinary powers is for the good of the State is a legitimate subject of speculation. To one who has to give every decision in open court subject to a right of appeal it appears little short of a miracle that men, who decide everything *in camera* with no right of appeal except to themselves and each other, keep their work up to such a high standard of equity and efficiency. But the habit of mind induced by such surroundings is clearly antagonistic to Whitleyism, and though, no doubt, departmental officials are men instinct with the same spirit of humanity and desire for

progress as the Prime Minister himself, they must naturally have an hereditary instinct against Whitleyism or anything in the nature of it. As it is part of the unwritten law of our Constitution that they have the power of refusing and delaying the expressed wishes of Government, and as all grades of Civil Servants look to their immediate paymasters for increase and promotion, it would be unwise to expect the introduction of Whitleyism into the sacred groves of Bureaucracy until we have converted the high priests.

If any one wishes to appreciate what it means to do battle for a new principle of rights with the genii of the Treasury he should read the life history of Rowland Hill. His long fight began in 1836 with a polite refusal from Departmentalism to allow him to see the inside working of the London Post Office, and ended after many years of glorious fighting with the man in the street teaching the departmental experts their business and ruling as a beneficent emperor over the very officials who had shut the door of their palace in his face.

Jeremiah, who took a gloomy view of things, was distressed by the fact that the leopard was an obstinate sort of beast who made no effort, or at all events did not succeed, at changing his spots. A later and more observant divine, Dr. Watts, told us in our childhood that bears and lions growl and fight because it is their nature to. Leopards, bears, lions, and bureaucrats are interesting survivals of the primeval forest and picturesque occupants of our Zoological Gardens, but the law wisely says that civilised man must keep them under control, and even then at his own risk as to damages if they escape and do mischief.

The Treasury tried to veto Rowland Hill's proposals of yesterday, and try to veto Whitleyism to-day because it is their nature to. I can remember no instance in history where Bureaucracy has had the foresight to welcome reform. Perhaps this instinct of opposition is its real value to society. It enforces upon us the necessary work of examining and reforming our own projects of reform and explaining them to ourselves and to others. This is a healthy task. The very fact of opposition arouses some of us out of a complacent lethargy to active study and the duty of perfecting, preaching, and obtaining popular sanction for reforms that might otherwise be visibly

accepted and spiritually extinguished by a more worldly and adroit Bureaucracy.

In one of the Post Office Commissions in the days of Rowland Hill, Mr. Holgate, President of the Inland Office, was asked whether any notice of an extension of hours of posting had been notified to the public. "I should have been very sorry if any had," he replied. "Why should you regret their being made public?" asked a member. He then pointed out the inconvenience to his office of the new regulations, and the member summed it up: "In fact the office has given the public an accommodation which the office is anxious that the public should not profit by." When I was President of the Pensions Appeal Tribunal it was suggested to the Tribunal by an official that it would be unwise to advertise to the disabled the right of appeal that Parliament had allowed them, but the suggestion did not prevail.

I by no means think that this attitude of mind proceeds from any form of original sin in the hearts of the officials, but it is part of the system under which they have been brought up. Publicity, the right of a common man outside to interfere with official decisions, even the discussion of the righteousness of official regulations, is, as the theologians would say, "inconvenient." A Government official cannot from his education and upbringing conceive a Departmental world in which decisions should be publicly given, publicly criticised and publicly reversed in a public appeal court. Now, Whitleyism to my mind must mean a large amount of publicity in official affairs. If Mr. Justice Bailhache is right in saying that "the first principle of reconstruction is justice for all," publicity is a necessary corollary. Those of us who have been called upon to administer justice in the Courts know how necessary to ourselves it is that all we do should be done in open Court, the reasons for it openly given and stated, and the result of our work subject to an appeal to men of greater learning and experience than ourselves.

In trying to appreciate with sympathy the reasons of the opposition of Bureaucrats to the Whitley Report we must not grow sentimental about their difficulties. It is as well to understand that there is no room in the new world for the old-fashioned Bureaucracy if we are to have a real experiment

in Whitley principles in our Public Departments. The State and the Municipal Corporations cannot obviously continue to employ labour and carry on our industries on one principle and companies and individuals be called upon to set in motion new and entirely different machinery. If, as we believe, Whitleyism is a good thing it is as good for Government Departments as for any other businesses. Moreover, in these Departments the Government can start at once. It really has a statutory power to order the Treasury to do things it does not wish to do, if it has the pluck to exercise it; and in the coming reconstruction, to adapt the slang of the elections, Whitleyism in Government Departments may be regarded as the "acid test" of good faith.

For myself I advocate it out of pure selfishness. After twenty-five years' wandering in the wilderness of the County Courts I should like to enter the New Jerusalem of a Legal Industrial Council. I should like to see a gathering of Judges of all degrees and Masters and Registrars and High Bailiffs and Clerks and Scriveners contributing of their sagacity and practical experience to the smooth and successful working of the concern in which I hope to spend the few remaining years of my life. I can see such an assembly solemnly committing to the flames a huge volume of rules and orders and forms and regulations which many generations of superior persons have interposed between the public and the mobility of Justice under the cynical title of *Procedure*. I can see them drawing up, at all events for the poor and less educated litigants, a real procedure, facilitating movement by better grammar, freedom from jargon, more simplicity, and greater brevity, set forth in language understood of the people and suited to the wit of the man in the street who seeks the occasional shelter of our Courts.

Nothing but an earnest belief in the great social value of those principles which are the foundation of this Industrial Reconstruction Council could justify my temerity in addressing you upon matters of which you have a far greater knowledge and experience than I can pretend to. But I have made a few short cruises in the unexplored ocean of Departmentalism and charted a few sunken wrecks and half-covered rocks. These we shall have to avoid if we are to berth our ship in the harbour of the future.



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It may be that the Industrial Peace we see ahead of us is a mirage with no reality, or it may indeed be that, like the great discoverers of old, we are within sight of the coasts of a new world. Speaking for myself, I can honestly say that when I first looked at the Whitley Report I welcomed it with enthusiasm and that enthusiasm has not died away. I experienced in some degree the thoughts that came to Keats when he first opened Chapman's *Homer* :

“ Then felt I like some watcher in the skies
When a new planet swims into his ken ;
Or like stout Cortez when with eagle eyes
He stared at the Pacific—and all his men
Look'd at each other with a wild surmise
Silent upon a peak in Darien.”

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